IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.603/1999

Sawai Tej Singh
...plaintiff-appellant
Versus
The Chief Secretary,
State of Rajasthan, Jaipur and Others
...defendant-respondents

Date of Order ::: 19.10.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri Rajnish Gupta, Advocate, for
Shri Satyendra Kumar Gupta, Counsel for plaintiff-appellant

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By the Court:-

Heard learned counsel for the plaintiff-appellant.

The plaintiff-appellant filed a suit for injunction under Section 38 of the Specific Relief Act in the lower court, which was dismissed and the judgment and decree passed by the lower court has been affirmed by the first appellate court also. The first appellate court has also observed that the suit has been filed in the name of Sawai Tej Singh through power-of-attorney-holder Shadi Lal, whereas the copy of power-of-attorney executed by the plaintiff-appellant in favour of Shadi Lal was not placed along

with the suit or even at the time of examination of the plaintiff's witnesses. Therefore, the suit could not have been filed in the name of Sawai Tej Singh by Shadi Lal without producing the copy of power-of-attorney. The first appellate court also observed that there was a prayer for compensation of Rs.1,25,000/-, but no court-fee was paid on the same, therefore, on this count also the suit was not maintainable.

After considering the submissions of the learned counsel for the plaintiff-appellant in the light of findings of both the courts below I do not find any illegality or perversity in the impugned judgment and decree passed by both the courts below.

No substantial question of law is involved in this second appeal and the same is dismissed in limine.

(Narendra Kumar Jain) J.

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